Albert Shuldiner
Senior VP & General Counsel

ELECTRONIC DELIVERY VIA ECFS
February 26, 2009

Marlene H. Dortch
Secretary
Federal Communications Commission
236 Massachusetts Avenue, N.E.
Suite 110
Washington, DC 20002

Re: MB Docket No. 99-325
Notice of Ex Parte Presentation

Dear Ms. Dortch:

iBiquity Digital Corporation ("iBiquity"), by its attorneys, hereby notifies the Commission, pursuant to Section 1.1206 of the Commission's Rules, of a meeting held on February 26, 2009 with Rosemary C. Harold of Commission McDowell's office. iBiquity was represented by Robert Mazer, Esq. and the undersigned. Also in attendance was Steven A. Lerman, Esq. of Lerman Senter PLLC representing the Joint Parties in the proceeding.

At this meeting, the participants discussed the recently filed comments and reply comments in the proceeding. The participants discussed with Ms. Harold their proposal to immediately allow stations in the non-reserved band to upgrade their digital FM operations by up to 10 dB and at the same time to maintain the current -20 dBc power level for stations in the reserved band. A copy of the presentation that was distributed at the meeting is attached to this letter.

A copy of this letter will be provided via e-mail to those in attendance. Any questions regarding this matter should be directed to the undersigned.

Respectfully submitted,

/s/Albert Shuldiner
Albert Shuldiner

cc: Rosemary C. Harold

Proposal for Digital FM Power Increase

February 26, 2009

Powered by iBiquity

Background

- Joint Parties (including 18 broadcasters operating 1,212 commercial and noncommercial stations and 4 largest transmission equipment manufacturers) filed request to allow broadcasters to boost digital FM power by up to 10 dB
  - Power increase will address concerns that digital coverage to 65 dBu contour does not match typical analog coverage out to the 60 or 54 dBu contour (depending on the class of station)
  - Power increase will improve building penetration
  - Particularly important for new portable devices
- iBiquity filed detailed field test report demonstrating higher digital power will not impact analog in vast majority of cases
- NPR field lab test report raising questions about increase in potential interference due to power increase
- Media Bureau Public Notice Oct. 23, 2008
- Comment/Reply Comment period completed Jan. 20, 2009

Joint Parties Proposal

- Authorize stations to increase FM digital power up to 10 dB (from – 20 dBc to – 10 dBc)
- This is not a mandatory increase – stations should be allowed to voluntarily increase power by any amount up to -10 dB
- The digital power level of Super B stations should be limited to the higher of (i) -20 dB relative to the analog carrier or (ii) at least 10 dB below the maximum analog power authorized for this class of stations as adjusted for height, absent any grandfathered super power.
- The Commission should establish a procedure to expeditiously investigate and resolve reasonably documented allegations of harmful interference from the power increase.
- Allow stations in the nonreserved band to increase power immediately but maintain the current power limit in the reserved band pending further testing by public radio

Conclusions from Field Tests

- Digital Performance at Higher Power
  - An increase of 25 - 33% in digital radial coverage (regardless of station class) in non-terrain limited environments
  - Would establish parity between digital and analog coverage
  - Even greater benefit for Class A stations – potentially more than 50% increase in digital coverage
  - Typically overcomes 10 dB building attenuation
  - No interference complaints reported during the testing program

- Analog Compatibility
  - Area of potential impact limited to areas outside of the protected contour
  - Area of potential impact limited to oval shaped region in line between stations
  - Existing thermal and man-made noise masks most interference increase
  - Super B power above -20 dB should be capped at Class limit

Overview of Comments and Reply Comments

- No dispute among any parties to this proceeding that power increase will improve digital coverage and building penetration
- Only issue raised is potential for digital signal to impact first adjacent analog signals and radio reading services
- NPR and some public radio stations have expressed reservations, mostly based on results of NPR's DRCIA study
  - The DRCIA study overstates the possibility of interference
  - The study is based on an unrealistic, worst-case scenario
- The bifurcation proposal will address concerns of public radio

Bifurcation Proposal

- The Commission should allow stations in the non-reserved band to upgrade immediately to up to –10 dBc and maintain the current –20 dBc power limit for the reserved band
  - Would allow reserve band stations to become more comfortable with the real-world experience of non-reserve band stations
  - Only a limited number of stations will increase power in the next few years due to financial and engineering constraints – the potential for harmful interference to analog operations is minimal but the potential benefit to the public is significant
  - Most reading services are located in the reserved band – restricting the power increase to the non-reserved band will help protect reading services from an impact while further studies are conducted about compatibility with SCA services in the reserved band
  - This approach will provide public radio with additional time to study and consider the power increase issue

Bifurcation Approach Is Logical Way To Proceed

- Commission already administers different allocation schemes for reserved and non-reserved bands – not a large burden to differentiate in this case and no additional FCC resources required
- Bifurcation reflects the realities of the different economic interests held by commercial and noncommercial stations – noncommercial broadcasters have a stronger economic interest in donations from outside the protected contour
- Bifurcation provides an incremental approach that allows the Commission to further study the potential impact of the power increase before universal application of the new rule
- Stations experiencing insufficient digital coverage need higher power to justify digital upgrade –- This issue has frozen market for digital conversion
- Schedule of further NPR testing is unclear – bifurcation gives Commission a path forward while waiting for more input from public radio

Coverage – WJRZ Class A FM